PART IV

SECTION 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS

Government of Mysore

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute:—Industrial Dispute between the Workmen and the Management of Central Sericultural Research and Training Institute (Central Silk Board), Mysore.

Award of the Industrial Tribunal, Bangalore published.

Read the following papers :

(1) Letter No. I T No. 1234/70-71, dated the 6th November 1970, from Shri R. V. Kollali, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 31st October 1970.

Present

SRI R. V. Kollali, B.A., LL.B., *Presiding Officer.*

(1) I. D. No. 28 of 1969.

I Party :—

The Workmen of Central Sericultural Research and Training Indstitute (Central Silk Board), Shanthi Vilas, Nazarebad, Mysore.

Vs

II Party :—

The Management of Central Sericultural Research and Training Institute (Central Silk Board), Shanti Vilas, Nazarabad, Mysore.

(2) I. D. No. 4 of 1970.

I Party :— do

II Party :— do

Appearances

For the I party :—Sri V. Hari Rao, Advocate, Bangalore.
For the II party :—Sri S. K. Suryanarayan, Senior Research Officer of the II Party Institute.

Referecnes

(1) G. O. No. FCL 580 LLD 68, Bangalore dated 15th April 1969. and
(2) G. O. No. FCL 194 LLD 70, Bangalare dated 12th March 1970.

Commn Award

The Government of Mysore, by their Orders Nos. FCL 580 LLD 68, dated 15th April 1969, and FCL 194 LLD 70, dated 12th March 1970, have referred two industrial disputes extisting between the workmen and managment of the Genaral Sericultural Reserrch and Training Institute, Mysore, under Section 10 (1) (d) of the Indnstrial Disputes Act, 1947, to this tribunal for adjudication. The points of dispute in I. D. No. 28 of 1969 are as follows :—

"(1) Are the workmen employed by the Central Sericultural Research and Training Institute, (Central Silk Board), Shanti Vilas, Nazarabad, Mysore, entitled to the following demands :—

(a) Dearness Allowance at Rs. 65 and Rs. 80 per month, for the workers drawing salary up to Rs. 300 and above Rs. 100 respectively, with effect from 1st June 1963 ;

(b) 15 days of wages for every completed year of service for the workers who have completed one year of service at the time of their retirement, discharge, dismissal or voluntary resignation, as Gratuity;

(c) House Rent Allowance to the workers who are drawing salary up to Rs. 100 and above Rs. 100 at Rs. 7 and Rs. 9 per month, respectively, with effect from 1st June 1963;

(d) 30 days Earned Leave and 10 days Sick Leave for every completed year of service of the workmen;

(e) The Management should intimate one year early to the workers, about their retirement, so as to enable them to utilise the Earned leave, etc., if any, at their credit;

(f) Festival Advance of Rs. 100 recoverable in 10 equal instolments at Rs. 10 per month, on any one of the following occasions, in a year:-

(1) New year's day	(5) Good Friday
(2) Sankranthi	(6) Christmas
(3) Ganesha Festival	(7) Ramzan and
(4) Dasasa	(8) Bakrid

If not, are they entitled to any other relief?"

The Points of dispute in I. D. No. 4 of 1970 are as follows:—

" (1) Are the workmen of Central Sericultural Research and Training Institute (Central Silk Board), Mysore, justified in demanding that the wormen whose names are mentioned in the annexure "A" are entitled to be confirmed and treated as monthly rated employees?"

" (2) If not, to what relief are the workmen entitled?"

2. On receipt of the first Reference, it was registered as I. D. No. 28 of 1969 and the I party was called upon to file its claim statement. The I Party, by its claim statement, reiterated its demands and *inter-alia* contended that the wages paid by the II Party were below starvation- level and had been fixed arbitrarily without any reference to the living conditions, cost of living or the minimum requirements of the worker calculated on the basis of three consumption units per worker. It was also contended that the Clerical and Supervisory staff in the II party Institute were being paid dearness allowence while the workers were not being paid, which was discriminatory and unfair labour practice. It was also put in a plea for introduction

of Gratuite Scheme and payment of House Rent Allowance and Privilege Leave facilities and Festival Advances and intimation of retirement one year in Advance.

3. By the counter statement, the II Party contented that it was an institute engaged in research and training in sericulture, which engaged 137 casual labourers as on 1st May 1969 and the leave facilities as per the Leave Rules were extended to them with 3 National holidays with wages, while on Sundays and holidays the labourers were engaged only for six hours. It was also contended that before the Labour Commissioner, the I Party Representative went on changing its position and demands, and hence the conciliation proceedings failed, and that 10 days' Sick Leave with full wages was available to the workers and the wages had been increased recently by 25 paise.

4. By the Reply, the I Party reiterated its own case.

5. On receipt of the above said second Reference, it was registered as I. D. No. 4 of 1970, and the I Party was called upon to file its statement of claims, The I Party filed its claim statement contending that the points referred for adjudication in the instant dispute had been omitted by the Government while making the Reference which was registered as I. D. No. 28/69 and the I Party took up the matter with the Government and had this instant Reference made covering up the omitted demand. It also contended that the Channapatna Sericultural Research Institute was taken over by the instant II party and its employees were continued by the II party. So much so, the services of the employees before and after the take over have been continuous for as long a period of 20 to 30 years and hence those workers are entitled to be regarded as confirmed workers on monthly rated wages and should not be permitted to be treated as Casual Labourers as the management has been doing.

6. By its counter statement the II Party contended that when the Channapatna Institute was taken over by it,

there was no specific condition of continuity of servce or confirmation and that the II Party Institute has been functioning for only about 9 years and hence the Reference should be rejected.

7. The I Party reiterated its own case by its reply.

8. Arising out of the pleadings of the parties, the following issues were settled by my learned predecessor:—

"1) Whether the Sericultural Research Institute as well as the Mysore Government Silk Farms located at Vidyaranyapura and Manandavady and the workers employed therein were taken over by the II Party management guaranteeing them continuity of service and service conditions?

2) Whether no specific conditions were laid in regard to labourers at the time of the takeover of the Channapatna Sericultural Research Institute and the Vidyaranyapura Farm from the Mysore Government, as alleged by the II Party Management?

3) Whether Manandavady Farm has not been taken over from the State Government, but has been recently acquired by the II Party Management and brought under mulberry cultivation from for the first time, as alleged by the I Party?

4) Whether the workers involved in this Reference have put in uninterrupted service and are receiving consolidated wages as detailed in the Annexure to the Claim statement?

5) Whether the workers involved in this Reference are employed on casual basis depending upon the seasonal conditions and need, as alleged by the II Party?

6) Whether the workers involved in this Reference are engaged for doing the work of a permanent nature as alleged by the I Party?

7) Whether the II Party Institute has to categories of employees in its establishment at Mysore, *viz.*, Regular monthly rated permanent employees and Daily rated employees, as alleged by the I Party ?

OR

Whether there is only category of Labour *viz.*, casual labour, as alleged by the II Party management ?

8) Whether the workers involved in this Reference are deliberately treated as casual workers by the II party with a view to deprive them of the benefits to which they would be otherwise entitled to ?

9) Whether the workers, claim for confirming and treating the workers involved in this Reference, as monthly-rated employees with effect from the years as given in the Annexure appended to the Claim statement, is justified and tenable ?

10) Whether the claim of the workers involved in this Reference for granting them all the benefits and claims asked for, for the workers in I. D. No. 28 of 1969, is justified and tenable, and if so, whether the II Party Institute has the capacity to grant the same ?

11) To what reliefs are the parties entitled ?

9. By consent of the parties the above two disputes were ordered to be taken up together and were so taken.

10. When the cases came up for recording of evidence, the parties intimated that they had entered into a settlement which had been recorded and authenticated by the Representative of the I party and the Director of the II party and that the same disposes off amicably the two industrial disputes. The I party Reprerentative filed a Memo requesting an award to be passed in terms of the settlement annexed. The Repre-

sentative of the II Party wanted that the I party be permitted to withdraw from the dispute. As such a course was not feasible because the two disputes had been amicably settled by an agreement in writing, an award in terms of the settlement in respect of the two disputes has to follow. I therefore pass the following. Common Award.

AWARD.

11. I pass an award in terms of the Settlement which shall be annexed to this award and shall form part of this award. Parties shall bear their own costs.

R. V. Kollali,
Presiding Officer,
Industrial Tribunal,
Bangalore-20.

ANNEXURE

Agreement reached between the Management and the Workers' Union of the Central Sericultural Research and Training Institute, Mysore at the Joint meeting held on 1st August 1970.

1. The Labour Union was represented by its President, Shri M. N. Ugraiah and other office bearers and their Lawyer Shri Hari Rao.
2. The Management was represented by the Director, CSR and TI., Mysore, and the Secretary Central Silk Board and other officers.

AGREEMENT

1. WAGES

It was agreed to grant a consolidated wage of Rs. 95/- per month per labourer as per the details given below for the farm labourers working on a permanent basis of the Research Institute :—

(a) Wage Scale.....Rs. 40-1-50.
(b) D.A. .....Rs. 48 per month.
(c) H.R.A. .....Rs. 7/- per month.

(2) It was also agreed upon that the permanent strength of the labourers to be given the above wage scale benefits will be restricted to seventy five (75) in number (excluding Watch and Ward staff).

The initial encaderment will be on the basis of strict seniority from among those within the age of superannuation, namely 55 years.

3. Gratuity, leeave facilities and other service conditiyns.

(a) The post shall be non-pensionable.
(b) The gratuity shall be paid at the rate of one month's wages last drawn for each completed year of service subject to a maximum of fifteen times the wages last drawn.

(c) The gratuity shall be payable only to the labourers working against regular non-pensionable. Labour strength of seventy-five agreed to above.

(d) The gratuity shall be payable to the labourer working against regular non--pensionable permanent strength after attaining the age of 55 years or earlier in case he discontinues on medical grounds when he is treated to have retired from the Institute's Service or premature death.

Leave Benefits:—Leave on average wage upto 1/22 of the period of continuous duty performed as applicable subject to the following conditions :—

(a) That if no substitute is appointed, the absentee shall be paid during the leave period at the same rate at which they were paid on the date before the leave commences.

(b) That leave shall not be granted except for special reasons which must be recorded in writing in each case unless the applicant has served for a period of at least three years continuously (including interruption condoned by the competent authority).

(c) That leave shall not be permissible unless it is satisfied the employee's service will be required for a period of not less than six months after the expiry of the leave and subject to the labourer furnishing an agreement to the effect that he will resume duty on the same establishment should his services be required for the period not less than six months after the expiry of the leave.

(d) That leave earned shall not be cumulative beyond 90 days ; leave due at any time will be calculated only on the period of continuous duty then performed and when every duty is interrupted all claims to leave earned upto that date will

be forfeited unless otherwise such interruptions are condoned by the competent authority.

4. Extraordinary leave.—Any extraordinary leave taken by a person in excess of three months constitute a break in service unless otherwise condoned by the competent authority for special reasons which should be recorded. Such a person on resuming duty shall draw the minimum of the wage scale fixed or a higher start if the competent authority otherwise directs.

Any extraordinary leave enjoyed by the person should have the effect of postponing the increment.

5. The authority competent to appoint labourer shall grant leave to labourers employed on regular basis subject to the coditions mentioned above.

6. The Institute shall be at the Liberty to discharge these labourers without notice subject to limitations under the I. D. A. 1947 wherever applicable.

7. Selection for non-pensionable permanent of labour strength on regular wage scale shall be made from among the temporary casual labourers keeping in view the seniority, good physique and conduct.

8. The permanent labourers shall be entitled to weekly paid holiday and three National Holidays.

Casual labourers' Service Conditions

Wages and other service benefits extended to labourers employed on casual basis will be followed according to prevailing rules which are in force at present.

It was also agreed that the Casual labourers will be give an increase of 0.25 paise with immediate effect subject to a maximum of Rs. 3/-per day.

Date on weich an agreement shall come into effect :

It was agreed that the above service conditions will be given effect from 1st June 1970.

Cartman Case:—The case of cartman Nanjaiah was also raised and it was agreed that the Union shall withdraw the case pending before the Court of 2nd City Magistrate and the Management shall restore him to the position of cartman with effect from the date of withdrawal of the case.

M. N. Ugraiah
President
C. S. R. & T. I. Workers Union,
Mysore.

Dr. S. Krishnaswami,
Director,
C. S. R. & TI. Mysore.

ORDER

Bangalore, dated the 20th November 1970.

S.O.2560:—WHEREAS by State Government Order Nos. FCL 580 LLD 68, dated 15th April 1969 and No. FCL 194 LLD 70, dated 12th March 1970, the Industrial Dispute between the Workmen and the Management of Central Sericultural Research and Training Institute (Central Silk Board), Mysore was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 244 LLA 70.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,
Under Secretary.